IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06-09-2008

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.1305 of 2001

The Managing Director,
Tamilnadu State Transport Corporation,
(Madurai Division-III) Ltd,
Ranithottam, Nagercoil. .. Petitioner.

Versus

1.P.Kesavan

2.Joint Commissioner of Labour,
Madurai. .. Respondents.

Prayer: This petition has been filed seeking for a writ of Certiorari, calling for the records relating to the order passed by the 2nd respondent in P.G.A.NO.64 of 1999, dated 22.11.1999 against the order passed in P.G.No.24 of 1998, before the Assistant Commissioner of Labour.

For Petitioner : Mr.V.R.Kamalanathan

For Respondents : Mrs.Uma Ramanathan (R1)
Ms.D.Geetha (R2)
Additional Government Pleader

O R D E R

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This writ petition has been preferred against the order, dated 22.11.1999, passed by the second respondent, in P.G.A.No.64 of 1999, filed against the order passed by the Assistant Commissioner of Labour, Tirunelveli, in P.G.No.24 of 1998.

2. The main issue in the present writ petition is whether the first respondent is eligible for the interest, on Rs.54,635/-, due to him as gratuity for a period of 14 months and 10 days, from 31.12.97

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to 10.3.99. According to the learned counsel for the petitioner, the interest amount calculated on Rs.54,635/- for a period of 14 months and 10 days at 9% per annum, would amount to Rs.5,873/-. Therefore, the first respondent would be eligible for a total sum of Rs.60,508/-. Pursuant to the order, dated 20.8.2003, made in W.M.P.No.1790 of 2001, the petitioner Corporation had deposited the entire sum of Rs.60,508/-, as directed by this Court.

3. The learned counsel appearing on behalf of the first respondent had submitted that the entire amount of Rs.60,508/-, deposited by the petitioner Corporation, had been withdrawn by the first respondent and the first respondent is not making any claim over and above the said amount already withdrawn by him. Therefore, it is submitted by the learned counsel for the first respondent that nothing survives in this writ petition.

4. The learned counsel appearing for the petitioner has not refuted the claims made on behalf of the first respondent.

5. In such circumstances, this writ petition is dismissed as infructuous. No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

csh

The Joint Commissioner of Labour,
Madurai.

+1 cc to Mr.V.R.Kamalanathan Advocate, SR.No.51136

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